

No. 28HA/63/S/826.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at the public expenses, for a public purposes, namely, for construction of a road from Ramia to Fatehpuria via Momadpurian in Sirsa District, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provision of section 7 of the said Act, the Land Acquisition Collector, Haryana P.W.D. B.&R. Branch, Ambala Cantt. or any other special collector, authorised by the Colonization Officer cum Special Land Acquisition Collector, Haryana, is hereby directed to take orders for the acquisition of the said land.

A Plan of the land may be inspected in the office of the Land Acquisition Collector, Haryana P.W.D., B.&R. Branch, Ambala Cantt. and the Executive Engineer.

SPECIFICATION

Name of District	Name of Tehsil	Name of Village	Area in Acres	Remarks
Sirsa	Sirsa	Rania	12.430	18
				19, 22, 23
				43
				11, 20, 22, 21, 23
				44
				3, 4, 6, 7, 15
				59
				2, 3, 7, 8, 14 to 16
				60
				20 to 22
				75
				21
				82
				20, 21
				83
				2, 8, 9, 13, 14, 16, 17, 25
				106
				1, 9, 12, 13, 17, 18, 24, 2, 10, 19, 25
				126
				1, 10, 12, 18, 19, 23, 24, 9, 11, 13
				127
				5
				167
				5, 6, 15, 16
				185
				7, 14, 17

District	Tehsil	Locality	Area in Acres	Remarks
Sirsa— <i>concl'd</i>	Sirsa— <i>concl'd</i>	Rania— <i>concl'd</i>	12.430— <i>concl'd</i>	168 11 to 21, 10 596, 649, 622, 200, 1769 to 1793, 712, 681, 619, 662, 690, 1513 to 1520, 1529, 1537 to 1540, 1579, 1560, 1561, 1688, 1690, 1745 to 1747, 1750, 1757, 1767, 1778.
Do	Do	Mohamadpuria	12.292	46 1, 2, 9 to 12, 14 to 22 49 2, 9, 12, 19, 21, 22 54 1, 2, 9 to 12, 19 to 22 57 1, 2, 9 to 12, 19 to 22 64 1, 2, 9 to 12, 19 to 22 67 1, 2, 9 to 12, 19 to 22 76 1, 2, 9 to 12, 19 to 22 80 1, 2, 9 to 12, 19 to 22 100, 103, 106, 123 to 129, 140, 144 to 165, 169 to 176, 208, 216 to 219, 238 to 241, 252 to 255, 362, 367, 370, 374 to 376.
Do	Do	Fatchpuria	7.818	70 21 to 25 71 21 to 25 72 5, 6, 15, 16, 21 to 25, 26 73 10, 11, 20, 21 75 1

District	Tehsil	Locality	Area in acres	Remarks
			76	
			1 to 5	
			77	
			1 to 5	
			78	
			1 to 5	
			174	
			1	
			190, 197, 198, 208, 292.	
Total 32.540 Acres				

B. L. BHANDARI,

Superintending Engineer,
Hissar Circle, P. W. D., B. & R. Branch,
Hissar.

LABOUR DEPARTMENT

The 19th/21st September, 1977

No. 9691-3Lab-77/25238.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following Award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. The Karnal Central Coop. Consumer Store Ltd., Karnal.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 46 of 1972

between

SHRI DHARAM CHAND AND THE MANAGEMENT OF M/S. THE KARNAL CENTRAL
COOP. CONSUMER STORE LTD., KARNAL

AWARD

By order No. ID/KNL/30-A-71/2725, dated 2nd February, 1972 of the Governor of Haryana, the following dispute between the management of M/s. The Karnal Central Coop. Consumer Store Ltd., Karnal and its workman Shri Dharam Chand was referred for adjudication to this Court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Dharam Chand was justified and in order ?
If not, to what relief is he entitled ?”

The reference arose out of a demand made by the workman, vide notice dated 15th November, 1971 on the management that he had been illegally retrenched on 25th July, 1971 by the management with an intention to victimise him after he had put in 8 years of service and his juniors had been retained in service.

The respondent while appearing in response to the notice of reference sent to them, filed a written statement whereby they denied the allegation that Shri Dharam Chand was a workman and pleaded that the reference was bad in absence of service of notice of demand directly raised on and its rejection by them. They also resisted the claim of the workman on the ground that it was barred

under section 55 of the Punjab Co-operative Societies Act. They stated that the services of Shri Dharam Chand had been terminated according to the terms and conditions of his employment,—vide one month's notice served on him.

The pleas of the parties gave rise to the following issues that were framed,— vide order dated 11th April, 1972 of Shri P. N. Thakral, the then Presiding Officer Labour Court, Haryana :—

1. Whether the reference is barred by reasons of section 55 of the Punjab Coop. Societies Act ?
2. Whether the applicant is not a workman ?
3. Whether the reference is bad because :—
 - (i) Demand notice was not been given through the union ;
 - (ii) The demand was not raised by the applicant to the management first and rejected by them ;
4. Whether the termination of services of Shri Dharam Chand was justified and in order ? If not, to what relief he entitled ?

I have heard learned authorised representative of the management and seen the record, I decide the issues as under.

Issue No. 1.

Section 55 of the Punjab Co-operative Societies Act does not legally debar a reference under section 10 (j)(c) of the Industrial Disputes Act, 1947 by the appropriate Government. In fact no arguments were addressed to me on this issue. I thus decide this issue against the management.

Issue No. 2.

It was admitted by Shri Suraj Parkash Accountant of the respondent,— vide his statement, dated 13th December, 1972 that Dharam Chand had been working as a Weighman on wages of Rs. 90/- P. M. In view of this admission of Shri Suraj Parkash M. W. I. Shri Dharam Chand is covered by the definition of the term 'workman' as given in section 2(c) of the Industrial Disputes Act as under.—

“Workmen” means any person (including an apprentice) employed in any industry to do any skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person....”

Even this issue was not proved before me by the respondent and as such is decided against them.

Issue No. 3.

I for the reasons stated by me in detail in my order dated 10th October, 1975 made in case of S. C. Sethi vs. Kirlosker Oil Engine (P) Ltd., Faridkot hold that it is no longer necessary for the workman to raise a demand on the management and for the latter to reject it before the matter is taken to the Conciliation Officer. I, therefore, decide this issue against the management.

Issue No. 4.

The management could not produce any letter or notice in support of their oral plea that retrenchment compensation was offered to the workman and he refused to accept it. Shri Suraj Parkash Accountant categorically admitted that he could not produce any such letters or notice. Shri Dharam Chand while appearing as his own witness denied the allegation that any such offer had been made to him before the termination of his service. He stated that Girdari Lal, Jeta Ram, Mohan Lal and Svitri persons junior to him had been retained in service after his services had been retrenched. There is no rebuttal of this statement on record. Shri Suraj Parkash admitted that 3 weighmen were working on their shops after the services of Shri Dharam Chand had been retrenched.

It is thus crystal clear that the order of retrenchment of the workman, was illegal in view of the non-payment to him of the retrenchment compensation and retention of workmen junior to him in service in preference to him by the management. I hold accordingly, and decide this issue against the management with a finding that the termination of services of Shri Dharam Chand was unjustified.

As regards the grant of relief to the workman, Shri Dharam Chand admittedly died on 23rd November, 1974 after the parties had closed their evidence and addressed arguments before Shri O. P. Sharma my learned predecessor, the then Presiding Officer, Labour Court. The question of his reinstatement, does not therefore, arise. If alive he would have been entitled to full back wages with effect from 25th July, 1971, the date of termination of his services. His heirs succeeding him in law are, therefore, entitled to recover the amount payable to him from 25th July, 1971 till 23rd November, 1974, the date of his death. I, therefore, return the award accordingly with no order as to costs.

Dated the 24th October, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2665, dated the 27th October, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

The 20th, September, 1977

No. 9044-4Lab.-77/25234.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. American Universal Electric (India) Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 39 of 1977

between

SHRI TARAS PRASAD WORKMAN AND THE MANAGEMENT OF M/S AMERICAN UNIVERSAL
ELECTRIC (INDIA) LTD., FARIDABAD

AWARD

By order No. ID/FD/868/A-76/22042, dated 4th June, 1977, the Governor of Haryana referred the following dispute between the management of M/s American Universal Electric (India) Ltd., Faridabad and its workman Shri Taras Prasad to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Taras Prasad was justified and in order? If not, to what relief is he entitled?

Even though Shri R. C. Sharma authorised representative for the management was present before me on 11th August, 1977 the date of hearing fixed in the reference, the workman failed to appear on that date despite being personally served with the notices of reference directing him to do so. The absence of the workman in this Court under the circumstances stated above leads to an obvious conclusion that he is not interested in pursuing the demand raised by him on the management leading to this reference and there is now no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

Dated the 12th August, 1977

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 1767, dated 22nd August, 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 12th August, 1977.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.